

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JEAN-CLAUDE DEMOSTHENIDY, an
individual doing business as
INTERACTIVE DESIGN SYSTEMS,

Plaintiffs,

v.

FINLEY ENGINEERING GROUP, INC.,
a Florida corporation; DOES 1
through 10, inclusive,

Defendants.

and RELATED COUNTERCLAIM.

Case No. 07cv2050-WQH (BLM)

**ORDER DENYING DEFENDANT
FINLEY'S REQUEST AND
CONVERTING EARLY NEUTRAL
EVALUATION CONFERENCE TO
TELEPHONIC CONFERENCE**

By order dated December 6, 2007, this Court set an Early Neutral Evaluation Conference (ENE) for January 14, 2008 at 1:30 p.m. On December 17, 2007, Defendant/Counterclaimant Finley Engineering Group, Inc. ("Finley") filed a request for permission to have its corporate representative and adjuster appear by telephone for the ENE. Doc. No. 8.

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1 Based on the Court's preliminary review of the pleadings, it
2 appears that some discovery and expert analysis will be necessary in
3 this case before meaningful settlement discussions can occur.
4 Accordingly, the Court **DENIES** Finley's request, but finds it
5 appropriate to convert the January 14, 2008 ENE to a telephonic,
6 attorneys-only conference. The Court will initiate the call on
7 January 14, 2008 at 1:30 p.m.

8 The parties still are required to submit confidential
9 statements of no more than ten (10) pages¹ in length directly to the
10 chambers of the Honorable Barbara L. Major no later than five (5)
11 court days prior to the ENE. **These confidential statements shall**
12 **not be filed or served on opposing counsel.** Each party's
13 confidential statement must include the following:

14 a. A brief description of the case, the claims and/or
15 counterclaims asserted, and the applicable defenses or position
16 regarding the asserted claims;

17 b. A specific and current demand or offer for
18 settlement addressing all relief or remedies sought. If a specific
19 demand or offer for settlement cannot be made at the time the brief
20 is submitted, then the reasons therefore must be stated along with
21 a statement as to when the party will be in a position to state a
22 demand or make an offer; and

23 c. A brief description of any previous settlement
24 negotiations, mediation sessions, or mediation efforts.

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28 ¹ The parties shall not append attachments or exhibits to the ENE statement.

1 General statements that a party will "negotiate in good
2 faith" is not a specific demand or offer contemplated by this Order.
3 It is assumed that all parties will negotiate in good faith.

4 **IT IS SO ORDERED.**

5 DATED: December 20, 2007

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7 BARBARA L. MAJOR
8 United States Magistrate Judge
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11 COPY TO:

12 HONORABLE WILLIAM Q. HAYES
13 U.S. DISTRICT JUDGE

14 ALL COUNSEL
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